

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8886 of 1992

Date of decision: 9-5-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

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| 1. Whether Reporters of Local papers may be allowed to see the judgment? | NO |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether their Lordships wish to see the fair copy of the judgment? | No |
| 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? | No |
| 5. Whether it is to be circulated to the Civil Judge? | No |

SULEMANBHAI MUSABHAI

Versus

G S R T C |

Appearance:

None present for Petitioner

MR PG DESAI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 9-5-97

CAV JUDGEMENT

The matter was called out for hearing in the

first round and second round in the first sitting and lastly in the third round in the second sitting. None appeared on behalf of the petitioner. Perused the special civil application and heard the learned counsel for the respondents.

2. The petitioner, who is carrying on business as hawker at S.T. bus stand, Mandal, District: Ahmedabad, has filed this special civil application challenging the order dated 27th February, 1992 under which the respondents have enhanced the licence fees as to the hawking business of the petitioner. The petitioner was earlier paying rent of Rs.75/-. Under the impugned order the licence fee has been increased to Rs.825/- per month with effect from 1-8-1991. It is not in dispute that the licence of the petitioner was to expire on 30th September, 1993. The petition came up for admission before this Court on 11-12-1992 on which date notice was issued and interim relief was granted restraining the respondents from evicting the petitioner or from interfering with the business of the petitioner on condition that the petitioner shall pay Rs.300/- per month regularly from 1-1-1993. On 13th April, 1994 rule was issued and interim relief was ordered to be continued. The petitioner could have been allowed to continue at the site till the validity of the licence. He could have been continued beyond the period of licence in case the licence was renewed, which is not the case here. The licence has come to an end on 30th September, 1993 and as such interim relief granted by this court should have been there only till the validity of the licence. Otherwise also it is the case of the respondents that the petitioner has already taken away the larry from the place allotted to him by the Corporation. It has further been stated that the petitioner has not paid even the amount of Rs.300/- per month as ordered by this Court. In view of the fact that the petitioner no more carries on business at the place allotted to him, and that the licence was valid upto 30th September, 1993, this special civil application does not survive.

3. In the result this special civil application fails and the same is dismissed. Rule discharged. Interim relief granted earlier stands vacated. No order as to costs.

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